

## Anti-terrorism readiness amendment to the NRC security bill

Mr. Chairman, I have an amendment at the desk, Markey 077.

For more than 10 years, I have been concerned that the NRC's plans to prevent and respond to terrorist attacks or major accidents at nuclear reactors have been lacking.

In 1991, in the wake of U.S. bombing of Iraqi nuclear reactors and Saddam Hussein's call for acts of terrorism against the U.S., I wrote two letters to the NRC concerning truck bombs at nuclear reactors, and called for an upgrade of the plans to defend nuclear reactors against larger and better-armed groups of attackers. The NRC essentially said they would think about it and get back to me. It was not until 1994 that the NRC revised its truck bomb rule. And even then, it remains inadequate.

Let me just read to you some key passages from the current NRC "Design Basis Threat" that is supposed to be used to design safeguards systems. The NRC says that the plants are supposed to be able to defend against:

Attacks by "several persons". How many is that? Well, the exact number is confidential, but suffice it to say that it is far, far less than the number of people that carried out the September 11th attacks. "Inside assistance" which may include "a knowledgeable individual". In other words, one insider. In reality, we need to be concerned about multiple insiders.

Suitable weapons, up to and including hand-held automatic weapons" and "hand-carried equipment" including explosives." In reality, terrorists can probably obtain access to larger, vehicle-mounted weapons. A "four wheel drive land vehicle bomb." What about a tractor trailer filled with explosives? What about water-borne threats to reactors located along rivers or the ocean. And what about air-borne threats – like a commercial airliner filled with jet fuel.

The reality is that the Design Basis Threat ignores many of the risks that the NRC decided prior to September 11th were just UNTHINKABLE. The NRC just assumed that these threats could never happen here.

The NRC has also designed force-on-force exercises designed to prevent terrorist attacks at nuclear reactors. Because of the inadequacies in the Design Basis Threat, however, the mock terrorist forces in these drills must labor under numerous artificial restrictions and limitations, and far too few exercises are conducted. But even within these limitations, about half of the plants tested are found to have inadequacies in their test programs. According to press reports, at a test a few years ago a simulated attack by an NRC team would have been able to cause a core melt at one nuclear power plant. And at Vermont Yankee, a few years ago, a team was able to scale plant fences undetected at several locations and to slip a fake handgun past a plant security check. Numerous other problems have been found at other plants. What was the NRC's and the nuclear industry's response? They decided to try to get rid of the program – first trying to defund it and then trying to replace it with a toothless industry-designed and managed alternative.

And once the terrorists get in, what have we done to mitigate the damage? Not enough. In 1996, I found out that the fire barriers and fire seals used to prevent fires from spreading within nuclear reactors were themselves flammable, and that NRC's rules didn't even consider fires of long duration. Their response? To direct licensees to create bucket brigades within the reactors. That's not going to work during a terrorist attack.

My amendment attempts to fix this. It does so by requiring the NRC to revise its assumptions by directing that the Commission undertake a rulemaking within the next year to address this entire subject. NRC is directed to conduct a re-assessment of the threat to its facilities, consulting with the Defense Department, the CIA, the FBI, the NSA, and the Office of Homeland Security and after taking into account the threats we now know are only too real.

NRC is also charged with amending its licenses to ensure that the appropriate upgrades to the physical infrastructure of the facilities to meet the demands of this new threat are incorporated into the licenses. This could mean ensuring that long-duration fires are protected against, and it could mean better physical safeguards for spent fuel casks, but it is left to the NRC to determine what is necessary and how to implement it.

NRC is also directed to ensure that shipments of spent fuel occur only when accompanied by armed guards who are able to defend against a realistic threat.

Finally, NRC is directed to beef up its anti-terrorism force-on-force exercises to respond to a realistic threat, ensuring that each facility gets tested every 2 years, and that NRC headquarters retains the responsibility for managing and overseeing these activities. This means abandoning the current plan to let the nuclear industry design and carry out the tests under its proposed Safeguards Performance Assessment Program. Just as we can't rely on the airline industry to test itself to see whether its screeners are effective, we can't rely on the nuclear industry to write its own "take home" test on nuclear security. The temptation to give oneself an "A" is simply too great.

I urge adoption of this amendment. It tells the NRC what it needs to plan against, leaves the technical details of planning and the implementation up to the NRC, and helps to assure the public that these facilities are as secure from terrorist attack as they can possibly be.